

**Special Education Advisory Panel Meeting Minutes**  
Office of Public Instruction  
1300 11th Avenue Conference Room, Helena  
January 15-16, 2009

Members in Attendance: Terry Galle, Susan Gunn, Carroll DeCouteau, Tim Norbeck, Pam Campbell, Sharon Lindstrom, Rena Steyaert, Samantha Hendricks, Betsy Stimatz, Dustin Shipman

Excused Members: Ken Miller, Jackie Emerson (Thursday), Wanda Grinde, Dave Mahon (Thursday), Denise Herman, Mark Thatcher

Non-Members in Attendance: Tim Harris, Denise Juneau, Bob Runkel, Dick Trerise, Frank Podobnik, Nikki Sandve, Marlene Wallis

**Thursday, January 15, 2009**

Chairperson Terry Galle called the meeting to order at 8:30 a.m. The Panel members and guests introduced themselves. Chairperson Galle requested that the Panel members review the Proposed Agenda. Following review of the Proposed Agenda, Tim Norbeck moved to accept the Proposed Agenda, Sharon Lindstrom seconded the motion and the motion passed. The September 18-19, 2008, meeting minutes were reviewed and Dustin Shipman moved to accept the minutes, Rena Steyaert seconded the motion, the motion passed and the minutes were approved as written.

Bob Runkel introduced Denise Juneau, State Superintendent, to the Panel members. The Panel members introduced themselves to Superintendent Juneau and said what areas they represented on the Panel.

Superintendent Juneau praised the work that the Panel does and thanked them for participating on the Panel and making things better for persons with disabilities. The Superintendent presented a review of the members of her exempt staff. She noted that a priority of her administration is to provide more open communication within the Office of Public Instruction.

Bob Runkel reviewed the OPI Budget Request for the 2011 Biennium. A handout was provided for the Panel members showing the OPI Elected Officials Request for State-Level Activities-Program 06, Distribution to Schools-Program 09, and General Fund 2008 Base Plus Requests.

Bob reported that the McKinney-Vento Homeless Assistance Act states that districts cannot charge tuition for homeless students. He indicated that the OPI has requested a bill to allow the state to make payment to schools that serve homeless students who reside in state-licensed facilities.

Bob said that the status of the economy will have a major influence on this session of the legislature. He shared information on the proposed bill for an Act titled: "An Act Requiring Insurance Coverage for Autism Spectrum Disorders; Amending Sections 33-22-706, 33-31, 111

and 33-35-306, MCA; and providing a delayed effective date." Frank Podobnik provided a copy of the proposed bill.

Superintendent Juneau and Bob Runkel again thanked the Panel members for their work on the Panel and dedication to persons with disabilities.

## **OPI Report**

### **Review of Panel Responsibilities**

Dick Trerise distributed a document to provide information for the Panel members regarding their responsibilities under IDEA 2004. There is an increased importance of the Panel's role in the process of advising and guiding state education agencies. Dick stated that the purpose of this document is not to give legal advice but to provide guidance and suggestions that should result in effective panel meetings.

### **Division Personnel Report**

It is expected that the IDEA Data and Accountability specialist position will be filled in February.

The open position of the Professional Development Unit will be announced soon.

### **Achievement in Montana (AIM)—Student Information**

Training will begin soon for the AIM special education portion. It will be four or five years before the AIM program is statewide.

### **Annual Report 2007-2008**

The Montana State Special Education Advisory Panel Annual Report, July 1, 2007-June 30, 2008, was distributed to the Panel. The report includes an Overview of the Panel's responsibilities, Membership List, List of Meetings, Panel Focus and Recommendations and Accomplishments of the 2007-2008 Special Education Advisory Panel.

## **State Performance Plan and Annual Performance Report (SPP/APR) Review and Action**

Frank Podobnik reported on the Annual Performance Report (APR), which includes, where noted, revisions to the State Performance Plan (SPP). The reports are due to the Office of Special Education Programs, U.S. Department of Education, February 2, 2009. Frank said this deadline will be met.

Frank distributed a summary to the Panel of Montana's Annual Performance Report for FFY 2007 and an Overview of Montana's Statewide Performance for FFY 2007. He discussed each of the indicators in the summary: 1. Graduation Rates; 2. Dropout Rates; 3. Statewide Assessment (3A—AYP Objectives, 3B—Participation Rates, 3C—Proficiency Rates); 4. Suspension and

Expulsion Rates; 5. LRE Placement; 8. Parent Involvement; 9. Disproportionate Representation in Special Education; 10. Disproportionate Representation in Specific Disability Categories; 11. Child Find—Evaluations Within 60 Days; 13. Secondary Transition with IEP Goals; 16. Resolved Written Complaints Within 60 Days; 17. Hearing Requests Adjudicated Within 45 Days. The summary and overview provide data on the indicators; copies will be included with the minutes.

Following discussion of the APR summary, Sharon Lindstrom moved that the Advisory Panel unanimously support the APR as presented to the Panel, Susan Gunn seconded the motion and the motion passed. Sharon commended Frank Podobnik on the APR; she said the language in the APR is understandable.

## **Up-Dates**

### **Assessment Grants**

The Panel received a memorandum from Judy Snow, State Assessment Director, Office of Public Instruction, regarding the Assessment Grant Update. She noted in the memorandum that the two 2 percent grants (Montana Enhanced Assessment Grant and Montana General Supervision Enhancement Grant) are on schedule. The memorandum included a table of activities for the grants.

Judy also states that the 4<sup>th</sup> statewide assessment conference, "Assessment Know-How" is being held on January 29 and 30, 2009.

### **Parental Revocation of Consent—Administrative Rule Change**

On May 13, 2008, the Secretary published a notice of proposed rulemaking in the *Federal Register* to amend the regulations in 34 CFR Part 300 governing these programs. One change being proposed was parental revocation of consent after consenting to the initial provision of services. This proposed change in the final regulations is: Section 300.300(b)(4) has been revised to require that parental revocation of consent for the continued provision of special education and related services must be in writing and that upon revocation of consent a public agency must provide the parent with prior written notice in accordance with § 300.503.

### **OSEP Verification Visit**

An OSEP Verification Visit date has not been established. Montana is scheduled for next year or the year after.

## **Friday, September 19, 2008**

Chairman Terry Galle called Friday morning's meeting to order at 8:15 a.m.

### **SPP/APR (continued)**

Frank Podobnik continued the SPP/APR discussion with Indicator 12—Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays. The target was not met last year. This year 71 percent of children referred by Part C, prior to age three and found eligible for Part B, have an IEP developed and implemented by their third birthday. This is a substantial improvement from last year.

Indicator 13—Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals. The established target for this indicator is 100 percent of IEPs for students, ages 16 and older, will have coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals. Target data indicates that 62.1 percent of the IEPs for students, ages 16 and older, reviewed have coordinated, measurable, annual IEP goals and transition services. Therefore, Montana did not meet its performance target.

Indicator 14—Not required.

Indicator 15—General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification. The percent of findings of noncompliance corrected within one year of identification is 96.6 percent and the performance target is 100 percent. Therefore, Montana did not meet its performance target.

Indicators 16 and 17—These indicators deal with complaints and due process. Both indicators met their performance target of 100 percent.

Indicators 18 and 19—Montana does not need to establish a baseline or targets for these indicators at this time.

Indicator 20—State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate. Montana's percent for the submission of timely and accurate data is 100 percent. Therefore, Montana has met its performance target.

### **CSPD Report**

Nikki Sandve reported that the CSPD aligns training to the State Performance Plan (SPP). She also noted that the Response to Intervention (RTI) program, funded by the SPDG, has 44 elementary and 11 secondary training programs. The 2009 MBI Summer Institute will be held

June 22-26, 2009, at the Montana State University in Bozeman and will include RTI. The Mentor Training week is tentatively scheduled for the end of July.

### **Call for Public Comment**

Chairman Galle called for public comments. There were no public comments.

### **Timely Correction of Identified Noncompliance**

The OPI received a memorandum from the U.S. Department of Education, dated October 17, 2008, reiterating the steps a state must take in order to report that previously identified noncompliance had been corrected. The memorandum states what a state must do in order to demonstrate that previously identified noncompliance has been corrected. A copy is included with the minutes.

The Panel received a draft of *Timelines for Correction*, Montana's timelines for change of noncompliance. Denial of FAPE must be corrected in 30 days. Noncompliant and problematic must be corrected in 60 days.

The OPI informs schools/institutions a year ahead of the compliance monitoring to be conducted at their school/institution. The schools/institutions are to submit a list of the students in the district that have new IEP reports, and students with unique concerns. If schools/institutions are out of compliance they are informed as to what they need to do. The OPI requires evidence that the corrections have been made. The district/institution must send a letter to the OPI stating that they are in compliance.

In order to give districts time, the OPI will change their basic approach. The district/institution will send the OPI copies of IEPs prior to the on-site visit. The OPI will have reviewed the IEPs prior to the on-site review. This allows the OPI to go on site and compile information quickly. When noncompliance is identified, the school/institution will send the OPI a letter of assurance that corrections have been made.

### **Additional Items**

The meeting dates for the remainder of the year are:

April 30-May 1, 2009

June 18-19, 2009

### **Panel Annual Agenda Proposal**

Highly Qualified Teacher (HQT)

### **Adjourn**

Dave Mahon moved to adjourn the meeting, Susan Gunn seconded the motion and the motion passed.